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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,799	07/17/2003	Deepak Malhotra	MA51-001	1467
7590		11/02/2004	EXAMINER	
Deepak Malhotra		ALEMU, EPHREM		
P.O. Box 101		ART UNIT		
Spokane, WA 99210		PAPER NUMBER		
		2821		

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,799

Applicant(s)

MALHOTRA, DEEPAK

Examiner

Ephrem Alemu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-8 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8-11-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: In claim 8, line 7, "LNB" should be replaced with --LNBF-- as described in page 5. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Dierkes (US 6,682,029).

Re claim 1, Dierkes discloses a satellite dish assembly (Fig. 1) comprising:

a mast member (i.e., cylindrical segment 41 including mounting post 49) having an open end (i.e., top end of mounting post 49) (Fig. 1; Col. 1, lines 7-12; Col. 3, lines 38-67); and

a level (i.e., bubble level 25) mounted interior of the mast member (i.e., mounting post 49) and visible through the open end (i.e., from top of the mounting post 49) of the mast member (i.e., cylindrical segment 41 including mounting post 49) (Figs. 1-3; Col. 3, line 38- Col. 4, line44).

Re claim 4, Dierkes discloses mast assembly (10) for a satellite dish assembly (Fig. 1), comprising:

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a mast member (i.e., cylindrical segment 41 including mounting post 49) including an inner cylindrical surface and an outer cylindrical surface (Fig. 1; Col. 1, lines 7-12; Col. 3, lines 38-67); and

a level (i.e., bubble level 25) supported by the mast member, the level including at least one surface generally flush with the outer cylindrical surface of the mast member (i.e., mounting post 49), wherein the level does not impede sliding movement of a dish mount onto or off of the mast member (i.e., cylindrical segment 41 including mounting post 49) (Figs. 1-3; Col. 3, line 38- Col. 4, line 44).

Re claim 8, Dierkes discloses a satellite dish assembly (Fig. 1) comprising:

a mast assembly (i.e., antenna mount assembly 10) having a mast member (i.e., cylindrical segment 41 including mounting post 49) and a level (i.e., bubble level 25) supported by the mast member (i.e., cylindrical segment 41 including mounting post 49), viewable from outside the mast member (i.e., cylindrical segment 41 including mounting post 49);

a dish mount (i.e., clamping attachment CA) slidably receivable on the mast member (i.e., cylindrical segment 41 including mounting post 49) (Fig. 1; Col. 4, lines 34-44);

a satellite dish (AD), including a concave signal focusing surface, supported by the dish mount (Fig. 1; Col. 4, lines 34-44); and

an LNBF (not labeled) supported by at least one of the dish mount (CA) and the dish (AD) arranged relative to the dish to collect the focused signal (Fig. 1).

4. Claims 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Reynolds (US 5,870,059).

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Re claim 2, Reynolds discloses a mast assembly (402) for a satellite dish assembly (i.e., terrestrial satellite antenna TSA 403), the mast assembly comprising:

a mast member (mast 402) having an open end (i.e., upper end of mast 402); and
first and second levels (i.e., bubble levels 401, 405 and/or 430) supported by the mast member, viewable from the open end of the mast, the levels being stacked one on top of the other, with the first level oriented generally normal to the second level, sign when viewed from the open end, so that the generally defining a plus open end of the mast can be made level both from left to right and from front to back by looking into the open end of the mast (i.e., top end of the mast 402) (Fig. 4b; Col.4, line 42- Col. 5, line 9).

Re claim 5, Reynolds discloses a satellite dish assembly (i.e., terrestrial satellite antenna TSA 403) comprising:

a mast member (i.e., mast 402) (Fig. 4b); and
at least two levels (i.e., bubble levels 401, 405 and/or 430) supported by the mast member, one arranged in a first plane (i.e., bubble level 401), and arranged to be viewed from a front of the mast member (mast 402), and another (i.e., bubble level 405), arranged generally normal to the first level, arranged in the first plane, and viewable from a side of the mast (Fig. 4b; Col.4, line 42- Col. 5, line 9).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds (US 5,870,059) in view of Unger (US 3,722,845) or Foster et al. (US 3,857,188).

Re claims 6 and 7, Reynolds discloses bubble level as applied to claim 5 above.

However, Reynolds does not mention anything about the fluid that has been used in the bubble level.

Unger or Foster discloses conventional bubble level including a non-freezing liquid at usual environmental temperatures, such as alcohol, to prevent deterioration of the bubble level.

It would have been considered obvious to one having ordinary skill in the art at the time the invention was made to provide modify Reynolds bubble level with bubble level filled with alcohol as taught by Foster or Unger for the purpose of expanding the usage of the bubble level during extreme weather conditions because as is known alcohol will not freeze at above -50 degrees Celsius nor boil below +50 degrees Celsius.

Allowable Subject Matter

7. Claim 3 is allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record fail to teach or suggest, alone or in combination, the limitation: "a level mounted interior of the mast member but visible from outside the mast member through the aperture in the mast member" as claimed in claim 3. It is for this reason in combination with all the limitations in the independent claim 3, that claim 3 is allowable over the prior art of record.

8. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fail to teach or suggest, alone or in combination, the limitation: "wherein the mast member has apertures therethrough and the level is supported by the mast members using the apertures".

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ginther et al. (US PG Pub. No. 2002/0005816); Hemmingsen, II (US 6,697,026); and Luly et al. (US 6,512,485); also teach similar inventive subject matter.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ephrem Alemu whose telephone number is (571) 272-1818. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Don Wong
Supervisory Patent Examiner
Technology Center 2800

EA
10-28-04